

LETTER



UNITED STATES DISTRICT COURT

CHAMBERS OF
SUSAN OKI MOLLWAY
DISTRICT JUDGE

DISTRICT OF HAWAII
300 ALA MOANA BOULEVARD, C-409
HONOLULU, HAWAII 96850-0409

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February 17, 2017

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**Re: Settlement Proceeds / In re David Alan Husted, et al.,
Bk # 11-41903**

Dear Messr. Husted and Mitchell:

I am writing in response to a facsimile I received yesterday from Mr. Husted. In that facsimile, Mr. Husted expresses concern that he has not received from his attorney any of the settlement proceeds in the civil suit before me, Civ. No. 14-00192 SOM/KJM. I ask that Mr. Husted and Mr. Mitchell communicate with each other about those proceeds.

I have reviewed the docket in Mr. Husted's bankruptcy proceeding in Texas. It appears that the settlement proceeds from my case are being held by Mr. Husted's attorney in the case before me, Michele M. Betti, "pending approval of a fee application filed . . . in accordance with the provisions of the Federal Rule of Bankruptcy Procedure 2016(a) and Local Bankruptcy Rule 2016." See Order Granting Debtor's Application to Approve Settlement of Personal Injury Claim Nunc Pro Tunc, Bk. # 11-41903, Doc. 83 (Bankr. E.D. Tx. Jan. 4, 2017). As recently as this week, the Bankruptcy Court issued an order stating that Mr. Husted will not be discharged from the bankruptcy proceeding unless a portion of the settlement proceeds is submitted to the Bankruptcy Court as

Mr. David A. Husted
Michael S. Mitchell, Esq.
February 17, 2017
Page 2

determined by further order of the bankruptcy court. See Order Modifying and Confirming Modified Chapter 13 Plan and Related Orders, Bk. # 11-41903, Doc. 87 (Bankr. E.D. Tx. Feb. 13, 2017).

Because the settlement money appears to be the subject of Mr. Husted's ongoing bankruptcy proceeding, this court will take no action concerning that money. Instead, Mr. Husted should discuss the status of the settlement money with his attorneys.

Very truly yours,


Susan Oki Mollway
United States District Judge

cc. Counsel in Civ. No. 14-00192 SOM/KJM via CM/ECF